

Testimony Opposing a Portion of S.B. 830 An Act Concerning the Governor's
Recommendations Regarding Education (Revised)

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Senator Gaffey, Representative Fleischmann and Members of the Education Committee:

We testify on behalf of Connecticut Voices for Children, an independent, research-based nonprofit organization dedicated to speaking up for children and youth in the policymaking process that has such a great impact on their lives.

Connecticut Voices for Children strongly opposes section 17 of S.B. 830, which seeks to delay implementation of Connecticut's 2007 suspension law until 2011.

I. Introduction

In 2007, the Governor signed Public Act 07-66, which sought to improve school discipline and academic performance by limiting out-of-school suspensions to cases in which the school administration determined that excluding a child from school was actually necessary. The 2007 law passed the General Assembly with overwhelming support.¹ The 2007 law was originally scheduled to go into effect on July 1, 2008; last session, the effective date was extended until July 1, 2009, in order to allow the State Department of Education time to issue guidelines to school districts regarding its implementation.²

In her signing statement, the Governor cogently explained the reasons for the 2007 law limiting out-of-school suspensions:

"Students should be removed from the school setting only under the most exceptional circumstances. Student learning takes place primarily when students are in school. That is why we need policies like this that keep students in school, not at home. Keeping children out of school is a direct line to delinquent behavior. Students get farther behind in their course work. They lose hope of catching up. It's a recipe for failure."³

The Governor's position was grounded in extensive research documenting the harmful effects of disciplining children by excluding them from school. Connecticut's 2007 law represents a measured and thoughtful response to the well-documented problem of too many Connecticut children (including kindergarteners) being denied educational opportunity as a result of disciplinary infractions that could best be handled through alternative means. For the reasons noted below, Connecticut should not delay further implementation of this common-sense law, but should stay the course.

II. Research Shows that Excluding Children from School is Counterproductive in Most Cases

1. **There is a significant educational cost to missing school, particularly for children most at risk of educational failure.** Schools cannot teach children who are not in school.⁴ Connecticut has one of the largest achievement gaps in the nation, whether one compares students from low-income to those in higher-income families, or black and Hispanic students to white students.⁵ Children in low-income districts are already working at a tremendous disadvantage compared to their peers in other districts.⁶ While successful schools have demonstrated that the gap can be bridged, it is only through extraordinary vision and hard work. Children in poor districts simply cannot afford to miss even a day of instruction. As discussed below, data from Connecticut suggest that the children who are most likely to be excluded from school are also the ones who are least able to afford to fall behind.⁷ Moreover, studies suggest that disciplinary infractions, including truancy, often mask underlying learning difficulties.⁸
2. **Suspensions may increase the risk of involvement in the juvenile justice system,** as children and youth who are sent home from school often remain unsupervised when their parents work.⁹ In 2007, Connecticut's Court Support Services Division (CSSD) reported that 89 percent of 16 and 17-year olds involved in the juvenile justice system had been suspended or expelled from school.¹⁰ While the link between school discipline problems and delinquency is attributable to many factors,¹¹ police and others have expressed concern about delinquency when students are unsupervised during school hours.¹²
3. **Suspension can lead students to drop out.**¹³ Over reliance on exclusion as a disciplinary technique frays, and sometimes severs, the relationship between children and adults in the school, particularly when the child's misbehavior is an undiagnosed cry for help.¹⁴ Excluding children too often, or in the wrong context (for example, as a punishment for truancy), can make children feel that they are unwanted and that they do not belong in school.¹⁵ Many of these children are already struggling academically, and so when they return to school after missing even a few days, they feel that there is no way for them to catch up.¹⁶ Since many of the children who are excluded from school already feel a tenuous link to their education, even a short suspension from the school can have a startling and disproportionate impact, becoming the final "push" in a long process of dropping out.¹⁷ In a knowledge-driven economy such as Connecticut's, the long-term effects of dropping out from high school are devastating.¹⁸
4. **Over-reliance on exclusionary punishments and disproportionate suspension of minorities send the wrong message to children and adolescents and may undermine their confidence in their educational futures.** Public education in Connecticut has never been only about teaching children to read, write, and solve problems. Traditionally, it also has been about

instilling moral values and capabilities necessary for citizenship, including an understanding of justice.¹⁹ How we discipline our children, and which children we choose to discipline, is an important lesson in justice.²⁰ Children, particularly teenagers, are keenly attuned to fairness. Most children accept punishment when the punishment “fits the ‘crime’” and when it is fairly administered. But there is little that can do more to undermine an adolescent’s confidence in the good intentions of adults than the perception that punishment is disproportionate, arbitrary, or inconsistent.²¹ Poorly conceived or administered punishments run the risk of distracting students from reflecting on the wrongfulness of their own actions and taking responsibility for their own behavior.²² They do not “make right” the wrong committed, or address the underlying issues responsible for the misbehavior.²³

In addition, inappropriate punishments undermine children’s faith in their schools and their educational futures.²⁴ This may particularly be the case where there is disproportionate minority representation among the students excluded, regardless of the underlying causes.²⁵ Many children come from families and communities robust enough to weather a few injustices; an unnecessary suspension is nothing but a passing slight. However, many children grow up in communities in which injustice is a grinding fact of life, and where otherwise slight injustices reinforce their lack of agency and hope.²⁶ For these children, it is particularly important to get the teachable moment right.

5. **Children need a safe and respectful school environment in order to learn. Yet there is little evidence that excluding students is an effective method of promoting discipline.**²⁷ Indeed, there is consensus in the literature that excluding children from school for disciplinary reasons is neither effective nor appropriate, except in a very limited set of circumstances, and that the long-term costs of suspending students significantly outweigh the short-term benefits.²⁸ In particular, suspensions can unintentionally reward and reinforce poor behavior, as students often perceive a few days off from school as a vacation.²⁹ Educators report that when some students feel socially or academically overwhelmed in school and wish to avoid a situation that is stressful, they act out in order to be sent home. Because the threshold for “earning” a suspension is quite low in some districts, students can manipulate the system without having to do anything bad enough to weigh on their consciences or risk being disciplined by their parents.
6. **Preventive measures and non-exclusionary punishments are more effective methods of ensuring a safe and positive learning environment.**³⁰ Research has shown that interventions designed to get to the root of a disciplinary problem and prevent misconduct from escalating (such as positive reinforcement) and non-exclusionary punishments (such as detentions or restitution) are more effective strategies for ensuring a safe and positive learning environment than exclusionary punishments.³¹ Just as some children come to school already knowing how to read, some children come to school with the social and personal skills necessary to learn productively in a community. Others do not. The only way to change these children’s behavior is to teach them the

skills they need to maintain self-discipline and to interact positively with others. Excluding a child from school, in itself, is rarely a pedagogically or developmentally sound means of teaching these skills.³²

III. Recent Data on Suspension Practice in Connecticut Schools Show Cause for Concern

The following data highlights are based on State Department of Education data from 2006-2007 (the latest year for which data are available), unless otherwise noted.

1. On any given day in the 2006-2007 school year, approximately 1,400 children were excluded from Connecticut schools as a result of having been suspended for a disciplinary offense.
2. The percent of students suspended in the 2006-2007 school year varied dramatically among districts, ranging from 1% to 22%, with a state average of 7%.
3. In 2006-2007, nearly two-thirds of suspensions were for "school policy violations" (predominately "insubordination/disrespect," "obscene language and/or behavior," and attendance violations), while the remainder were for "serious disciplinary offenses" (such as "fighting/battery" and "physical/verbal confrontation").
4. Schools in districts with lower socioeconomic indicators suspend substantially higher percentages of students than schools in districts with higher socioeconomic indicators.
5. Black and Hispanic students are suspended at far greater rates than Asian and white students. In the 2006-2007 school year, the suspension rates among black and Hispanic students were at least triple those of the white students: 18% and 13%, respectively. By contrast, the suspension rates among Asian and white students were 2% and 4%.
6. Special education students are suspended substantially more frequently than their peers. In the 2006-2007 school year, 15% of special education students were suspended as compared to only 6% of regular education students.
7. Students with low academic performance are suspended more frequently than their peers.
8. Students in all grades, including kindergarten, are suspended, though the greatest numbers of suspensions tend to happen in the ninth grade. Over one in five (22%) ninth grade students were suspended in 2006-2007.
9. Connecticut's overall suspension rates and minority suspension rates have remained constant for the last two years. However, the percentage of special

education students suspended/expelled for a cumulative total of more than 10 days has jumped dramatically in the last four years.

10. Connecticut ranks 2nd highest in the nation in the percentage of special education students suspended or expelled for a total of more than ten days, and within the top ten in the nation in terms of the disproportionate representation of minority students suspended, according to data from the 2005-2006 and 2003-2004 school years, respectively.

IV. The 2007 Law Represents a Thoughtful and Measured Response to a Well-Documented Problem

The 2007 law is designed in such a way as to:

- Improve student discipline by reducing incentives for students to misbehave (“suspensions as vacations”);
- Afford school administrators appropriate discretion and autonomy;
- Improve academic performance and graduation rates; and
- Save Connecticut’s towns and cities money by reducing juvenile delinquency.

Under the new law, school administrators may still out-of-school suspends students who are so disruptive to the learning process or pose such a threat to persons or property that they need to be removed from school. Moreover, school administrators retain the authority to determine when that threshold is met. The only thing the 2007 law prevents is the out-of-school suspending of children for mere board policy violations or other infractions that administrators themselves do not think are so disruptive or dangerous as to warrant their removal.

V. Properly Understood, the 2007 Law Does Not Mandate In-School Suspension Programs

Nonetheless, this law has been misunderstood by some districts, educators, and legislators to mandate in-school suspension programs. Properly read, the law does not mandate in-school suspension programs at all. Indeed, a school could be in complete compliance with the law without any in-school suspension program.

Rather, the law states merely that if a school chooses to suspend a student, that suspension must be “in-school” unless the administration determines that *“the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension.”* It does not preclude a wide range of more effective and less costly alternatives (such as detention, community services, or withdrawal of privileges) that many Connecticut schools are already implementing.

Accordingly, we urge you to resist proposals to delay or repeal the suspension law on the grounds that it constitutes an “unfunded mandate.” If you believe clarification is needed, we recommend that you adopt language to subsection (g) of Section 10-233(c) of the general statutes that preserves the intent of the law, such as:

No pupil shall be suspended out-of-school unless, during the hearing held pursuant to subsection (a) of this section, the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension.

The purpose of the revision is that it clarifies that the suspension law does not mandate in-school suspension, rather:

1. Schools do not have to in-school suspend anyone if they do not want to. They do not have to have to create any in-school suspension program at all to be in compliance with the law.
2. Schools remain free to impose a wide range of disciplinary options, entirely within their discretion (e.g. removals from class, detention, reprimands, withdrawal of privileges, community services, etc).
3. The only thing suspension law requires is that schools not exclude a child from school by out-of-school suspending him unless “the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension.”

Moreover, as noted above, schools retain a tremendous amount of discretion in determining what level of conduct warrants out-of-school suspension.

VI. The 2007 Law Will Save the State of Connecticut and Connecticut Towns and Cities Money by Reducing Juvenile Delinquency and Improving Academic Performance and Graduation Rates

As the Governor herself noted, keeping children out of school “is a direct line to delinquent behavior” and is “a recipe for failure.” Connecticut Voices for Children understands the severe fiscal crisis facing Connecticut’s municipalities and the state as a whole. However, denying children educational opportunity will cost even more, in both the short term and the long term, in the form of increased juvenile delinquency, increased drop out rates, and weakened academic performance. It is particularly now, in tough economic times, that we need to make sure that our laws and policies are based on evidence and data. In 2007, Connecticut responded to a well-documented problem with a measured and thoughtful response, grounded in research and empirical evidence. Connecticut should stay the course and resist efforts to repeal the 2007 law.

Thank you for your consideration of our testimony. Attached is fact sheet based on our larger report, *Missing Out: Suspending Students from Connecticut Schools* (August 2008), which

summarizes Connecticut's out-of-school suspension data from the 2006-2007 school year data and the research on the need to limit the use of these types of exclusionary punishments. For a copy of our full report, please see http://ctkidslink.org/pub_detail_423.html.

Appendix A: Out-of-School Suspension Rates¹ by District

District	DRG	Grade Range	Enrollment	Suspension Rate (2006-2007)
Andover	C	PK-6	341	0%
Ansonia	H	PK-12	2697	10%
Ashford	E	PK-8	524	2%
Avon	B	PK-12	3506	1%
Barkhamsted	C	PK-6	361	1%
Berlin	D	PK-12	3274	2%
Bethany	C	PK-6	557	1%
Bethel	D	PK-12	3230	2%
Bloomfield	G	PK-12	2239	17%
Bolton	C	PK-12	916	3%
Bozrah	E	PK-10	273	2%
Branford	D	PK-12	3592	3%
Bridgeport	I	PK-12	21239	22%
Bristol	G	PK-12	9037	6%
Brookfield	B	PK-12	3032	3%
Brooklyn	E	PK-8	1022	3%
Canaan	E	K-8	101	0%
Canterbury	F	PK-8	547	4%
Canton	C	PK-12	1728	2%
Chaplin	E	PK-6	211	0%
Cheshire	B	PK-12	5157	2%
Chester	E	K-6	335	0%
Clinton	D	PK-12	2117	3%
Colchester	D	PK-12	3242	3%
Colebrook	E	K-6	121	4%
Columbia	C	PK-8	636	1%
Cornwall	C	K-8	129	0%
Coventry	E	PK-12	2051	3%
Cromwell	D	PK-12	2007	7%
Danbury	H	PK-12	9706	5%
Darien	A	PK-12	4614	2%
Deep River	E	PK-6	378	3%
Derby	H	PK-12	1454	8%
East Granby	D	PK-12	933	5%
East Haddam	E	PK-12	1406	6%
East Hampton	D	PK-12	2087	4%
East Hartford	H	PK-12	7636	13%
East Haven	G	PK-12	3741	8%
East Lyme	D	PK-12	3217	3%
East Windsor	F	PK-12	1516	10%
Eastford	E	K-8	173	3%
Easton	A	PK-8	1149	1%
Ellington	C	PK-12	2535	3%

¹ Rogers, John. "Unduplicated Counts of Out-of-School Suspended Students." Connecticut State Department of Education.

District	DRG	Grade Range	Enrollment	Suspension Rate (2006-2007)
Enfield	F	PK-12	6490	5%
Essex	C	K-6	550	0%
Fairfield	B	PK-12	9494	2%
Farmington	B	PK-12	4251	2%
Franklin	E	PK-8	238	0%
Glastonbury	B	PK-12	6766	2%
Granby	B	K-12	2278	1%
Greenwich	B	PK-12	8961	3%
Griswold	F	PK-12	2216	5%
Groton	G	PK-12	5238	7%
Gulford	B	PK-12	3782	3%
Hamden	G	PK-12	6258	10%
Hampton	E	PK-6	165	3%
Hartford	I	PK-12	22328	19%
Hartland	E	PK-8	225	0%
Hebron	C	PK-6	1204	1%
Kent	E	PK-8	270	0%
Killingly	G	PK-12	2764	8%
Lebanon	E	PK-12	1540	4%
Ledyard	D	PK-12	2914	4%
Lisbon	E	PK-8	610	2%
Litchfield	E	PK-12	1261	4%
Madison	B	K-12	3837	2%
Manchester	G	PK-12	7082	9%
Mansfield	C	PK-8	1333	2%
Marlborough	C	PK-6	651	2%
Meriden	H	PK-12	8864	12%
Middletown	G	PK-12	5075	11%
Milford	D	PK-12	7509	3%
Monroe	B	PK-12	4364	2%
Montville	F	PK-12	2949	6%
Naugatuck	G	PK-12	5079	8%
New Britain	I	PK-12	10940	17%
New Canaan	A	PK-12	4130	1%
New Fairfield	B	PK-12	3065	2%
New Hartford	C	PK-6	617	1%
New Haven	I	PK-12	19977	17%
New London	I	PK-12	2953	17%
New Milford	D	PK-12	5038	3%
Newington	D	PK-12	4591	3%
Newtown	B	PK-12	5667	2%
Norfolk	E	PK-11	176	0%
North Branford	E	PK-12	2450	4%
North Canaan	F	PK-8	369	1%
North Haven	D	PK-12	3963	6%
North Stonington	E	PK-12	809	4%
Norwalk	H	PK-12	10729	7%
Norwich	H	PK-12	3961	9%
Old Saybrook	D	PK-12	1580	4%

District	DRG	Grade Range	Enrollment	Suspension Rate (2006-2007)
Orange	B	PK-6	1395	1%
Oxford	C	PK-8	1575	2%
Plainfield	G	PK-12	2800	9%
Plainville	F	PK-12	2627	5%
Plymouth	F	PK-12	1897	5%
Pomfret	C	PK-8	540	2%
Portland	E	PK-12	1451	3%
Preston	E	PK-8	498	7%
Putnam	G	PK-12	1339	7%
Redding	A	PK-8	1287	0%
Ridgefield	A	PK-12	5575	1%
Rocky Hill	D	PK-12	2581	3%
Salem	C	PK-8	530	1%
Salisbury	E	PK-8	311	2%
Scotland	E	PK-6	196	3%
Seymour	F	PK-12	2737	8%
Sharon	E	PK-8	231	0%
Shelton	D	PK-12	5692	3%
Sherman	C	PK-8	479	1%
Simsbury	B	PK-12	4992	1%
Somers	C	PK-12	1734	4%
South Windsor	B	PK-12	5020	3%
Southington	D	PK-12	6933	4%
Sprague	F	PK-8	335	0%
Stafford	F	PK-12	1951	7%
Stamford	H	PK-12	15041	3%
Sterling	F	PK-8	478	4%
Stonington	D	PK-12	2570	3%
Stratford	G	PK-12	7373	7%
Suffield	C	PK-12	2592	2%
Thomaston	E	PK-12	1275	4%
Thompson	F	PK-12	1508	10%
Tolland	C	PK-12	3142	3%
Torrington	G	PK-12	4856	9%
Trumbull	B	PK-12	6921	2%
Union	E	K-8	69	0%
Vernon	G	PK-12	3782	8%
Voluntown	F	PK-8	311	2%
Wallingford	D	PK-12	6930	5%
Waterbury	I	PK-12	18210	15%
Waterford	D	K-12	2967	6%
Watertown	D	PK-12	3503	5%
West Hartford	B	PK-12	10117	4%
West Haven	H	PK-12	6734	10%
Westbrook	E	PK-12	990	2%
Weston	A	PK-12	2610	2%
Westport	A	PK-12	5571	1%
Wethersfield	D	PK-12	3832	4%
Willington	E	PK-8	594	4%

District	DRG	Grade Range	Enrollment	Suspension Rate (2006-2007)
Wilton	A	PK-12	4369	2%
Winchester	G	PK-12	1064	7%
Windham	I	PK-12	3674	11%
Windsor	F	PK-12	4132	5%
Windsor Locks	D	PK-12	1908	12%
Wolcott	F	PK-12	2922	5%
Woodbridge	B	PK-6	793	1%
Woodstock	E	PK-8	963	1%
Regional District 01	E	9-12	562	6%
Regional District 04	C	7-12	946	8%
Regional District 05	B	7-12	2509	5%
Regional District 06	E	PK-12	1083	5%
Regional District 07	C	7-12	1164	5%
Regional District 08	C	7-12	1645	4%
Regional District 09	A	9-12	962	6%
Regional District 10	C	PK-12	2824	2%
Regional District 11	F	7-12	327	14%
Regional District 12	C	PK-12	1082	2%
Regional District 13	C	PK-12	2165	2%
Regional District 14	C	PK-12	2283	3%
Regional District 15	B	PK-12	4580	3%
Regional District 16	E	PK-12	2682	4%
Regional District 17	C	PK-12	2502	1%
Regional District 18	C	PK-12	1521	3%
Regional District 19	C	9-12	1201	9%
Connecticut				7%

¹ House vote: 111-29, Senate vote: 25-11.

² Public Act 08-160 delayed implementation of the suspension law until July 1, 2009. SDE issued these guidelines on October 1, 2008.

³ "Governor Rell Signs In-School Suspension Bill" (June 28, 2007). Available online: <http://www.ct.gov/governorrell/cwp/view.asp?A=2791&Q=385306>.

⁴ See, March 12, 2007 Testimony of George A. Coleman, Interim Connecticut Commissioner of Education on Raised Bill 1413, *An Act Concerning In-School Suspensions*; American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), p. 34.

⁵ See Education Trust, "Education Watch State NAEP Tables," (Fall 2006); ConnCan, "Issue Brief: The Achievement Gap" (July 2006), No. 1.

⁶ See, Connecticut Voices for Children, "Addressing Connecticut's Educational Divides: The Key to Success in the Global Economy" (March 2007) (students in the lowest income districts (DRG I) as compared to the highest districts (DRG A) are more than one and half times less likely to attend preschool, five times less likely to pass the Connecticut Mastery Tests in Grades 4, 6, and 8, and 15 times more likely to drop out of high school. Almost half of Connecticut's English Language Learners live in DRG I school districts).

⁷ See, A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Science* (January 2000), Vol. 567, p. 147 (noting that students who are excluded from school are typically the students who need education the most).

⁸ See, E Breon, "Truancy: A Closer Look: The Link Between Unmet Educational Needs and Truancy," Center for Children's Advocacy (December 2006) (documenting unmet learning needs of Connecticut students with high rates of truancy and noting that behavioral issues may mask underlying learning difficulties).

⁹ See, e.g., A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Science* (January 2000), Vol. 567, p. 145 (noting potential of exclusionary punishments to lead to increased delinquency when students are unsupervised); R Skiba and P Leone, "Zero Tolerance and School Security Measures: A Failed Experiment," *Racial Profiling and Punishment in U.S. Public Schools* (2001), Applied Research Center (school suspension and expulsion may increase the risk for both school drop out and juvenile delinquency).

¹⁰ See, Connecticut Court Support Services Division, "Juvenile Jurisdiction Planning and Implementation Committee: Proposed Court and Service System for 16 and 17 Year Olds," January 4, 2007 Presentation.

¹¹ See, e.g., R Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice," *Indiana Education Policy Center* (August 2000), p. 14 (citing to research that the strength of the school social bond is an important predictor of delinquency).

¹² See, e.g., M Garriga, "Police, Panel Staffers Will Visit Truant Students," *New Haven Register* (February 15, 2007); American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), pp. 76-80 (citing data that incarcerated juveniles are likely to have been suspended from school and that states with higher rates of suspensions also have higher rates of juvenile incarceration, and citing models that "suggest that as at-risk youth become alienated from school over time, they will increasingly seek out other anti-social peers, accelerating the course toward juvenile offending," but taking care to note that research to date is "primarily descriptive" and that there exists "no prospective longitudinal research that could conclusively demonstrate that increased use of suspension makes a contribution to increased rates of juvenile incarceration").

¹³ See, e.g., R Skiba and P Leone, "Zero Tolerance and School Security Measures: A Failed Experiment," *Racial Profiling and Punishment in U.S. Public Schools* (2001), Applied Research Center (school suspension and expulsion may increase the risk for both school drop out and juvenile delinquency); R Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice," *Indiana Education Policy Center* (August 2000), p. 13 (citing studies showing that students who dropped out of school were more likely to have been suspended from school than their peers who remained in school, and that prior engagement with school discipline was one of the strongest predictors of dropout); American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), pp. 49-51 (citing studies investigating the correlations between suspension and dropout).

¹⁴ See, e.g., V Costenbader and S Markson, "School Suspension: A Study with Secondary School Students," *Journal of School Psychology* (1997), Vol. 36, Issue 1; Youth Rights Media, "Book 'Em: Undereducated, Overincarcerated," (2006) (two students, including one in foster care, note that teachers did not inquire as to reasons behind their disciplinary infractions).

¹⁵ See, e.g., R Skiba, R Michael, A Carroll Nardo, R Peterson, "The Color of Discipline, Sources of Racial and Gender Disproportionality in School Punishment," *Policy Research Report #SRS1* (June, 2000), pp. 17-18 (citing 1981 study finding significant relationship in urban schools among high rates of minority suspension, minority dropout, and student perceptions of racial discrimination; 1993 paper arguing that "the typical classroom management style in many schools, relying heavily on negative consequences, contributes to school rejection and dropout for African American youth, [for whom] 'the choice of either staying in school or dropping out may be less of a choice and more of a natural response to a negative environment in which he or she is trying to escape'"); American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), p. 70 (citing survey data that students in grades 7th to 12th grade "rate their teachers as less caring and report lower feelings of school belonging when suspensions are widely used, especially for relatively minor rule infractions" and research that racial disproportionality in discipline is a risk factor for alienation and academic disengagement); The Advancement Project, "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline," Civil Rights Project, Harvard University (2000), p. 11 (citing opinions of education experts that excluded children interpret suspension as rejection and "a one-way ticket out of school," making it difficult for them to come back to school); A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Sciences* (January 2000), Vol 567, p. 145 (noting that students may lose respect for school authorities when they are unnecessarily excluded, for instance, for truancy).

¹⁶ See, Youth Rights Media, "Book 'Em: Undereducated, Overincarcerated," (2006) (student speaks about how difficult it would be to make up all assignments after a 10-day suspension; 82 percent of students surveyed by Youth Rights Media felt that suspensions made students fall behind in their schoolwork).

¹⁷ See generally Connecticut State Board of Education, "A Review of Programs for Reducing the Dropout and Suspension Rates of Those Students at Risk of Dropping Out or Being Suspended from School," (March

2007), pp. 13-15 (citing studies finding that repeat suspensions are one of many risk factors for dropping out and describing alienation and feeling among students who drop out that school personnel wanted them to leave); N Blomberg, "Effective Discipline for Misbehavior: In School vs. Out of School Suspension," Department of Education and Human Service, Villanova University (2004), pp. 4-5 (reviewing literature that suspension does not address root causes of misbehavior and tends to push out the students who are most in need of school supports); Youth Rights Media, "Book 'Em: Undereducated, Overincarcerated," (2006) (63 percent of students surveyed by Youth Rights Media believed that suspensions are a push factor leading to dropout).

¹⁸ See, e.g., The Center for Benefit Cost Studies in Education, "The Costs and Benefits of an Excellent Education for All American Children," Teachers College of Columbia University (January 2007); J Hero, D Hall, S Geballe, "State of Working Connecticut," Connecticut Voices for Children (September 2007).

¹⁹ See, *Sheff v. O'Neill*, 238 Conn. at 40-41 (March 3, 1999) ("[S]chools are an important socializing institution, imparting those shared values through which social order and stability are maintained." citing *Pyer v. Doe*, 457 U.S. 202, 222 n.20 (1982)).

²⁰ The Advancement Project, "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline," The Civil Rights Project, Harvard University (2000), p. 12.

²¹ See, Youth Rights Media, "Book 'Em: Undereducated, Overincarcerated," (2006) (students speak about the perceived arbitrariness of suspensions for minor offenses, such as dress code violations; 63 percent of students interviewed by Youth Rights Media believed that students were suspended for offenses that were too minor to warrant exclusion from school).

²² See, e.g., R Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice," Indiana Education Policy Center (August 2000), p. 14.

²³ See, N Bloomberg, "Effective Discipline for Misbehavior: In School vs. Out of School Suspension," Department of Education and Human Services, Villanova University (2004), p. 3 (citing a 1997 study finding that 69 percent of suspended students surveyed felt that the suspension was of little use, 32 percent predicted that they would be suspended again, and that 55 percent of students suspended were angry at the person who had suspended them).

²⁴ See, e.g., A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Science* (January 2000), Vol 567, School Violence, p. 145 (citing 1989 study regarding links between exclusion and feelings of self-defeat, and noting that exclusionary punishments may make students feel "isolated and disenfranchised"); The Advancement Project, "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline," The Civil Rights Project Harvard University (2000), p. 11 (citing opinions of education experts that excluded children interpret suspension as rejection and "a one-way ticket out of school," making it difficult for them to come back to school).

²⁵ See, e.g., R Skiba, R Michael, A Carroll Nardo, R Peterson, "The Color of Discipline, Sources of Racial and Gender Disproportionality in School Punishment," *Policy Research Report #SRS1* (June, 2000), pp. 17-18 (citing 1981 study finding significant relationship in urban schools among high rates of minority suspension, minority dropout, and student perceptions of racial discrimination; 1993 paper arguing that "the typical classroom management style in many schools, relying heavily on negative consequences, contributes to school rejection and dropout for African American youth, [for whom] 'the choice of either staying in school or dropping out may be less of a choice and more of a natural response to a negative environment in which he or she is trying to escape'" and 1996 study finding that both white and minority students in an urban high school perceived racial disparities in the application of discipline, but while white students believed differences in treatment were unintentional or unconscious, students of color perceived differences in treatment based on race to be deliberate, and discipline to be arbitrary); American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), p. 70 (citing research that racial disproportionality in discipline is a risk factor for alienation and academic disengagement).

²⁶ See generally Youth Rights Media, "Book 'Em: Undereducated, Overincarcerated," (2006), particularly final segment, "How Close Are You?"

²⁷ See, e.g., American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), pp. 40-51 (citing studies); V Costenbader and S Markson, "School Suspension: A Study with Secondary School Students," *Journal of School Psychology* (1997), Vol. 36, Issue 1 (survey of 252 suspended students found that 69% percent felt that the suspension was of little use, and 32% predicted that they would be suspended again); S Bock, K Tapscott, and J Savner, "Suspensions and Expulsion: Effective Management for Students?" *Intervention in School and Clinic*

(1998), Vol. 34, Issue 1, p. 2 (citing studies that show high numbers of students with multiple suspensions demonstrate a reoccurrence of disruptive behavior); R Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice," *Indiana Education Policy Center* (August 2000), p. 13 (citing studies finding that a large percentage of suspensions are due to repeat offenders, that suspension is primarily a predictor of further suspension, and that for some students "suspension functions as a reinforcer. . . rather than as a punisher"); A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Sciences* (January 2000), Vol 567, p. 148 (citing to a National Center for Education Statistics study that found that zero-tolerance policies, of which exclusionary punishments are an important part, had "no appreciable effect on reducing violence").

²⁸ See, e.g., American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations" (August 9, 2006).

²⁹ See, e.g., A Smith, "Out of School Suspension Falling out of Favor," *New Haven Register* (August 26, 2007) (statement from West Haven High School Principal Ronald Stancil, "Kids don't necessarily mind being suspended (at home) so much. It's kind of like a reward for them"); R James, "Waterbury: 46 percent of city high schoolers suspended," *The Republican-American* (May 6, 2007) ("If you have a kid who has more fun on the streets, that's probably not where you want to send him," quoting George Sugai, education professor at the University of Connecticut); R Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice," *Indiana Education Policy Center* (August 2000); A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Science* (January 2000), Vol. 567, p. 145 (noting that students may manipulate administrators to get themselves suspended); Youth Rights Media, "Book 'Em: Undereducated, Overincarcerated," (2006) (showing what one student does for fun when suspended).

³⁰ See, A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Sciences* (January 2000), Vol. 567, p. 146.

³¹ See, e.g., G Sugai and R Horner, "The Evolution of Discipline Practices: School-wide Positive Behavior Supports," *Child and Family Behavioral Therapy* (2002), Vol 24, no 1-2 (behavioral improvements in school discipline occurred when a positive and preventative approach was applied. For more information on Positive Behavioral Interventions and Supports see www.pbis.org); A Adams, "The Status of School Discipline and Violence," *Annals of the American Academy of Political and Social Sciences* (January 2000), Vol 567, pp. 150-154 (discussing alternatives to exclusionary discipline practices and recommendations); American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), pp. 85-95 (discussing alternatives to exclusionary punishment models, including restorative justice and positive behavioral interventions and supports).

³² See, American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," (August 9, 2006), pp. 34. 65-71 (discussing educational and developmental repercussions of exclusions).